

# Union Calendar No. 416

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4919

[Report No. 107-674]

To provide for the exchange of certain lands in the Coconino and Tonto  
National Forests in Arizona, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2002

Mr. HAYWORTH (for himself and Mr. STUMP) introduced the following bill;  
which was referred to the Committee on Resources

SEPTEMBER 24, 2002

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 12, 2002]

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## A BILL

To provide for the exchange of certain lands in the Coconino  
and Tonto National Forests in Arizona, and for other  
purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       *This Act may be cited as the “Tonto and Coconino*  
3 *National Forests Land Exchange Act”.*

4 **SEC. 2. FINDINGS; PURPOSE.**

5       (a) *FINDINGS.*—*Congress finds the following:*

6           (1) *Certain private lands adjacent to the Monte-*  
7 *zuma Castle National Monument in Yavapai County,*  
8 *Arizona, are desirable for Federal acquisition to pro-*  
9 *tect important riparian values along Beaver Creek*  
10 *and the scenic backdrop for the National Monument.*

11          (2) *Certain other inholdings in the Coconino Na-*  
12 *tional Forest are desirable for Federal acquisition to*  
13 *protect important public values near Double Cabin*  
14 *Park.*

15          (3) *Approximately 108 acres of land within the*  
16 *Tonto National Forest, northeast of Payson, Arizona,*  
17 *are currently occupied by 45 residential cabins under*  
18 *special use permits from the Secretary of Agriculture,*  
19 *and have been so occupied since the mid-1950s, ren-*  
20 *dering such lands of limited use and enjoyment poten-*  
21 *tial for the general public. Such lands are, therefore,*  
22 *appropriate for transfer to the cabin owners in ex-*  
23 *change for lands that will have higher public use val-*  
24 *ues.*

25          (4) *In return for the privatization of such en-*  
26 *cumbered lands the Secretary of Agriculture has been*

1       offered approximately 495 acres of non-Federal land  
2       (known as the Q Ranch) within the Tonto National  
3       Forest, east of Young, Arizona, in an area where the  
4       Secretary has completed previous land exchanges to  
5       consolidate public ownership of National Forest  
6       lands.

7               (5) The acquisition of the Q Ranch non-Federal  
8       lands by the Secretary will greatly increase National  
9       Forest management efficiency and promote public ac-  
10      cess, use, and enjoyment of the area and surrounding  
11      National Forest System lands.

12      (b) *PURPOSE.*—The purpose of this Act is to authorize,  
13      direct, facilitate, and expedite the consummation of the land  
14      exchanges set forth herein in accordance with the terms and  
15      conditions of this Act.

16   **SEC. 3. DEFINITIONS.**

17      As used in this Act:

18              (1) *DPSHA.*—The term “DPSHA” means the  
19      Diamond Point Summer Homes Association, a non-  
20      profit corporation in the State of Arizona.

21              (2) *FEDERAL LAND.*—The term “Federal land”  
22      means land to be conveyed into non-Federal owner-  
23      ship under this Act.

24              (3) *FLPMA.*—The term “FLPMA” means the  
25      Federal Land Policy Management Act of 1976.

1           (4) *MCJV*.—The term “*MCJV*” means the *Mon-*  
 2           *tezuma Castle Land Exchange Joint Venture Partner-*  
 3           *ship, an Arizona Partnership.*

4           (5) *NON-FEDERAL LAND*.—The term “*non-Fed-*  
 5           *eral land*” means land to be conveyed to the Secretary  
 6           *of Agriculture under this Act.*

7           (6) *SECRETARY*.—The term “*Secretary*” means  
 8           *the Secretary of Agriculture, unless otherwise speci-*  
 9           *fied.*

10 ***SEC. 4. MONTEZUMA CASTLE LAND EXCHANGE.***

11           (a) *LAND EXCHANGE*.—Upon receipt of a binding offer  
 12           *from MCJV to convey title acceptable to the Secretary to*  
 13           *the land described in subsection (b), the Secretary shall con-*  
 14           *vey to MCJV all right, title, and interest of the United*  
 15           *States in and to the Federal land described in subsection*  
 16           *(c).*

17           (b) *NON-FEDERAL*.—The land described in this sub-  
 18           *section is the following:*

19                   (1) *The approximately 157 acres of land adja-*  
 20                   *cent to the Montezuma Castle National Monument, as*  
 21                   *generally depicted on the map entitled “Montezuma*  
 22                   *Castle Contiguous Lands”, dated May 2002.*

23                   (2) *Certain private land within the Coconino*  
 24                   *National Forest, Arizona, comprising approximately*

1       108 acres, as generally depicted on the map entitled  
2       “Double Cabin Park Lands”, dated September 2002.

3       (c) *FEDERAL LAND*.—*The Federal land described in*  
4 *this subsection is the approximately 222 acres in the Tonto*  
5 *National Forest, Arizona, and surveyed as Lots 3, 4, 8, 9,*  
6 *10, 11, 16, 17, and Tract 40 in section 32, Township 11*  
7 *North, Range 10 East, Gila and Salt River Meridian, Ari-*  
8 *zona.*

9       (d) *EQUAL VALUE EXCHANGE*.—*The values of the non-*  
10 *Federal and Federal land directed to be exchanged under*  
11 *this section shall be equal or equalized as determined by*  
12 *the Secretary through an appraisal performed by a quali-*  
13 *fied appraiser mutually agreed to by the Secretary and*  
14 *MCJV and performed in conformance with the Uniform Ap-*  
15 *praisal Standards for Federal Land Acquisitions (U.S. De-*  
16 *partment of Justice, December 2000), and section 206(d)*  
17 *of the FLPMA (43 U.S.C. 1716(d)). If the values are not*  
18 *equal, the Secretary shall delete Federal lots from the con-*  
19 *veyance to MCJV in the following order and priority, as*  
20 *necessary, until the values of Federal and non-Federal land*  
21 *are within the 25 percent cash equalization limit of 206(b)*  
22 *of FLPMA:*

23               (1) *Lot 3.*

24               (2) *Lot 4.*

25               (3) *Lot 9.*

1           (4) *Lot 10.*

2           (5) *Lot 11.*

3           (6) *Lot 8.*

4           (e) *CASH EQUALIZATION.*—*Any difference in value re-*  
 5 *maining after compliance with subsection (d) shall be*  
 6 *equalized by the payment of cash to the Secretary or MCJV,*  
 7 *as the circumstances dictate, in accordance with section*  
 8 *206(b) of FLPMA (43 U.S.C. 1716(b)). Public Law 90–171*  
 9 *(16 U.S.C. 484a; commonly known as the “Sisk Act”) shall,*  
 10 *without further appropriation, apply to any cash equali-*  
 11 *zation payment received by the United States under this*  
 12 *section.*

13 **SEC. 5. DIAMOND POINT—Q RANCH LAND EXCHANGE.**

14           (a) *IN GENERAL.*—*Upon receipt of a binding offer*  
 15 *from DPSHA to convey title acceptable to the Secretary to*  
 16 *the land described in subsection (b), the Secretary shall con-*  
 17 *vey to DPSHA all right, title, and interest of the United*  
 18 *States in and to the land described in subsection (c).*

19           (b) *NON-FEDERAL LAND.*—*The land described in this*  
 20 *subsection is the approximately 495 acres of non-Federal*  
 21 *land generally depicted on the map entitled “Diamond*  
 22 *Point Exchange—Q Ranch Non-Federal Lands”, dated*  
 23 *May 2002.*

24           (c) *FEDERAL LAND.*—*The Federal land described in*  
 25 *this subsection is the approximately 108 acres northeast of*

1 *Payson, Arizona, as generally depicted on a map entitled*  
 2 *“Diamond Point Exchange—Federal Land”, dated May*  
 3 *2002.*

4       (d) *EQUAL VALUE EXCHANGE.*—*The values of the non-*  
 5 *Federal and Federal land directed to be exchanged under*  
 6 *this section shall be equal or equalized as determined by*  
 7 *the Secretary through an appraisal performed by a quali-*  
 8 *fied appraiser mutually agreed to by the Secretary and*  
 9 *DPSHA and in conformance with the Uniform Appraisal*  
 10 *Standards for Federal Land Acquisitions (U.S. Department*  
 11 *of Justice, December 2000), and section 206(d) of FLPMA*  
 12 *(43 U.S.C. 1716(d)). If the values are not equal, they shall*  
 13 *be equalized by the payment of cash to the Secretary or*  
 14 *DPSHA pursuant to section 206(b) of FLPMA (43 U.S.C.*  
 15 *1716(b)). Public Law 90–171 (16 U.S.C. 484a; commonly*  
 16 *known as the “Sisk Act”)* shall, without further appropria-  
 17 tion, apply to any cash equalization payment received by  
 18 the United States under this section.

19       (e) *SPECIAL USE PERMIT TERMINATION.*—*Upon exe-*  
 20 *cution of the land exchange authorized by this section, all*  
 21 *special use cabin permits on the Federal land shall be ter-*  
 22 *minated.*

23 **SEC. 6. MISCELLANEOUS PROVISIONS.**

24       (a) *EXCHANGE TIMETABLE.*—*Not later than 6 months*  
 25 *after the Secretary receives an offer under section 4 or 5,*

1 *the Secretary shall execute the exchange under section 4 or*  
2 *5, respectively, unless the Secretary and MCJV or DPSHA,*  
3 *respectively, mutually agree to extend such deadline.*

4       **(b) EXCHANGE PROCESSING.**—*Prior to executing the*  
5 *land exchanges authorized by this Act, the Secretary shall*  
6 *perform any necessary land surveys and required*  
7 *preexchange clearances, reviews, and approvals relating to*  
8 *threatened and endangered species, cultural and historic re-*  
9 *sources, wetlands and floodplains and hazardous materials.*  
10 *If 1 or more of the Federal land parcels or lots, or portions*  
11 *thereof, cannot be transferred to MCJV or DPSHA due to*  
12 *hazardous materials, threatened or endangered species, cul-*  
13 *tural or historic resources, or wetland and flood plain prob-*  
14 *lems, the parcel or lot, or portion thereof, shall be deleted*  
15 *from the exchange, and the values of the lands to be ex-*  
16 *changed adjusted in accordance with subsections (d) and*  
17 *(e) of section 4 or section 5(d), as appropriate. In order*  
18 *to save administrative costs to the United States, the costs*  
19 *of performing such work, including the appraisals required*  
20 *pursuant to this Act, shall be paid by MCJV or DPSHA*  
21 *for the relevant property, except for the costs of any such*  
22 *work (including appraisal reviews and approvals) that the*  
23 *Secretary is required or elects to have performed by employ-*  
24 *ees of the Department of Agriculture.*

1       (c) *FEDERAL LAND RESERVATIONS AND ENCUM-*  
2 *BRANCES.—The Secretary shall convey the Federal land*  
3 *under this Act subject to valid existing rights, including*  
4 *easements, rights-of-way, utility lines and any other valid*  
5 *encumbrances on the Federal land as of the date of the con-*  
6 *veyance under this Act. If applicable to the land conveyed,*  
7 *the Secretary shall also retain any right of access as may*  
8 *be required by section 120(h) of the Comprehensive Envi-*  
9 *ronmental Response, Compensation and Liability Act of*  
10 *1980 (42 U.S.C. 9620(h)) for remedial or corrective action*  
11 *relating to hazardous substances as may be necessary in*  
12 *the future.*

13       (d) *ADMINISTRATION OF ACQUIRED LAND.—The land*  
14 *acquired by the Secretary pursuant to this Act shall become*  
15 *part of the Tonto or Coconino National Forest, as appro-*  
16 *priate, and be administered as such in accordance with the*  
17 *laws, rules, and regulations generally applicable to the Na-*  
18 *tional Forest System. Such land may be made available*  
19 *for domestic livestock grazing if determined appropriate by*  
20 *the Secretary in accordance with the laws, rules, and regu-*  
21 *lations applicable thereto on National Forest System land.*

22       (e) *TRANSFER OF LAND TO PARK SERVICE.—Upon*  
23 *their acquisition by the United States, the “Montezuma*  
24 *Castle Contiguous Lands” identified in section 4(d)(1) shall*  
25 *be transferred to the administrative jurisdiction of the Na-*

1 *tional Park Service, and shall thereafter be permanently in-*  
2 *corporated in, and administered by the Secretary of the In-*  
3 *terior as part of, the Montezuma Castle National Monu-*  
4 *ment.*



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